

Filed in open court 4/11/05 (EW)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Criminal Action No. 05-71M
NELSON LORA-PEN˜A,	:	
	:	
Defendant.	:	

**MOTION FOR DETENTION HEARING**

NOW COMES the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because the case involves (**check all that apply**):

- ☒ Crime of violence (18 U.S.C. § 3156)
- ☐ Maximum sentence life imprisonment or death
- ☐ 10+ year drug offense
- ☐ Felony, with two prior convictions in above categories
- ☒ Serious risk defendant will flee
- ☐ Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release that will reasonably assure (**check one or both**):

- ☒ Defendant's appearance as required

X   Safety of any other person and the community

3. **Rebuttable Presumption.** The United States will not invoke the rebuttable presumption against defendant under § 3142(e). The presumption applies because (check one or both):

       Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c)

       Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the Court conduct the detention hearing:


       At first appearance

  X   After continuance of   3   days

DATED this 11th day of April, 2005.

Respectfully submitted,

COLM F. CONNOLLY  
United States Attorney

BY:   
April M. Byrd  
Assistant United States Attorney